



UNITED STATES DEPARTMENT OF COMMERCE

Patent and Trademark Office

Address: COMMISSIONER OF PATENTS AND TRADEMARKS
Washington, D.C. 20231

APPLICATION NUMBER	FILING DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NO.
10-030184			

EXAMINER _____

ART UNIT	PAPER NUMBER
	12

DATE MAILED:

INTERVIEW SUMMARY

All participants (applicant, applicant's representative, PTO personnel):

(1) David Buttaer (3) _____
(2) Ms Grueneberg (4) _____

Date of Interview 2/19/03Type: Telephonic Personal (copy is given to applicant applicant's representative).Exhibit shown or demonstration conducted: Yes No If yes, brief description: _____Agreement was reached. was not reached.Claim(s) discussed: allIdentification of prior art discussed: all

Description of the general nature of what was agreed to if an agreement was reached, or any other comments: Examiner pointed out last rejection should have been final in view of EP692522.
Applicant to require both (D) and (E) be present.
Would appear to overcome art of record, Examiner
considers claims to (E) alone to be non-elected

(A fuller description, if necessary, and a copy of the amendments, if available, which the examiner agreed would render the claims allowable must be attached. Also, where no copy of the amendments which would render the claims allowable is available, a summary thereof must be attached.)

1. It is not necessary for applicant to provide a separate record of the substance of the interview.

Unless the paragraph above has been checked to indicate to the contrary. A FORMAL WRITTEN RESPONSE TO THE LAST OFFICE ACTION IS NOT WAIVED AND MUST INCLUDE THE SUBSTANCE OF THE INTERVIEW. (See MPEP Section 713.04). If a response to the last Office action has already been filed, APPLICANT IS GIVEN ONE MONTH FROM THIS INTERVIEW DATE TO FILE A STATEMENT OF THE SUBSTANCE OF THE INTERVIEW.

2. Since the Examiner's interview summary above (including any attachments) reflects a complete response to each of the objections, rejections and requirements that may be present in the last Office action, and since the claims are now allowable, this completed form is considered to fulfill the response requirements of the last Office action. Applicant is not relieved from providing a separate record of the interview unless box 1 above is also checked.

Examiner Note: You must sign this form unless it is an attachment to another form.

It is the responsibility of the examiner to record the substance of any interview, whether by telephone or otherwise, in accordance with the provisions of 37 CFR 1.135(c) which states that an agreement with the examiner will be reached at the interview.

611.13 Interviews

The examination of patent applications and trademark applications is conducted by the Patent and Trademark Office in accordance with the substance of the reasons presented by the applicant or his attorney or agent or by the examiner. The examiner may record the substance of the interview in writing either typewritten or in ink (part 62 of the Manual of Patent Examining Procedure, Part I, Office of the Commissioner of Patents and Trademarks, 37 CFR 1.136 (35 U.S.C. 132)).

611.2 Business to be transacted during an interview. All business to be transacted during an interview must be conducted in accordance with the substance of the interview. The examiner or his attorney or agent or the Patent and Trademark Office will be bound exclusively by the written record of the Office. An application will be given the same priority as any other application which bears directly on the question of patentability.

The action of the Patent and Trademark Office cannot be based on business on the written record of the Office if the Office does not itself keep the through the failure to record the substance of interviews.

It is the responsibility of the applicant or his attorney or agent to record the substance of both the interview and of any formal application filed, unless the examiner understands it or she will do so. It is the examiner's responsibility to see that no record is made and to correct material in applications which bear directly on the question of patentability.

Examiners must complete a two-sheets carbon interview summary form for each interview held after January 1, 1971 where a matter of substance has been discussed during the interview, by checking the appropriate boxes and filling in the blanks of the handwritten form using a "ball" point pen. Discussions regarding procedural matters, directed solely to restriction requirements, or other interview recordation is otherwise provided for in Section 812.01 of the Manual of Patent Examining Procedure, or pointing out typographical errors or unrecordable action. Other actions of this like, are excluded from the interview recordation procedure below.

The Interview Summary Form shall be given an appropriate case number, placed in the right hand portion of the file, and listed on the "Contents" list on the file wrapper. The docket and serial register cards need not be updated to reflect interviews. In a personal interview, the duplicate copy of the Form is removed and given to the applicant (or attorney or agent) at the conclusion of the interview. In the case of a telephonic interview, the copy is mailed to the applicant's correspondence address either with or prior to the next official communication. If additional correspondence from the examiner is not likely before an allowance or if other circumstances dictate, the Form should be mailed promptly after the telephonic interview rather than with the next official communication.

The Form provides for recordation of the following information:

- Serial Number of the application
- Name of applicant
- Name of examiner
- Date of interview
- Type of interview (personal or telephonic)
- Name of participant(s) (applicant, attorney or agent, etc.)
- An indication whether or not an exhibit was shown or a demonstration conducted
- An identification of the claims discussed
- An identification of the specific prior art discussed
- An indication whether an agreement was reached and if so, a description of the general nature of the agreement (may be by attachment of a copy of amendments or claims agreed as being allowable). (Agreements as to allowability are tentative and do not restrict further action by the examiner to the contrary)
- The signature of the examiner who conducted the interview
- Names of other Patent and Trademark Office personnel present

The Form also contains a statement reminding the applicant of his responsibility to record the substance of the interview.

It is desirable that the examiner orally remind the applicant of his obligation to record the substance of the interview in each case unless both applicant and examiner agree that the examiner will record same. Where the examiner agrees to record the substance of the interview, or when it is adequately recorded on the Form or in an attachment to the Form, the examiner should check a box at the bottom of the Form informing the applicant that he need not supplement the Form by submitting a separate record of the substance of the interview.

It should be noted, however, that the Interview Summary Form will not normally be considered a complete and proper recordation of the interview unless it includes, or is supplemented by the applicant or the examiner to include, all of the applicable items required below concerning the substance of the interview.

A complete and proper recordation of the substance of any interview should include at least the following applicable items:

- 1) A brief description of the nature of any exhibit shown or any demonstration conducted.
- 2) An identification of the claims discussed.
- 3) An identification of specific prior art discussed.
- 4) An identification of the principal proposed amendment(s) and its nature discussed, unless these are already described on the Interview Summary Form completed by the examiner.
- 5) A brief identification of the general nature of the principal argument presented to the examiner. The identification of arguments need not be lengthy or elaborate. A verbatim or highly detailed description of the arguments is not required. The identification of the arguments is sufficient if the general nature of most of the principal arguments made to the examiner be understood in the context of the application file. Of course, the applicant may desire to emphasize and fully describe if one arguments which he thinks were most likely to be persuasive to the examiner.
- 6) A general indication of any other pertinent matters discussed, and
- 7) If appropriate, the general course of outcome of the interview, as set forth already described in the Interview Summary Form completed by the examiner.

Any item or any part of an item which is not included in the Interview Summary Form, or which is incomplete or inaccurate, the examiner will give the date and time of the interview, and the place of the interview, and the period for reply, and show the signature of the examiner, and the day and year, thereby avoiding re-examination of the application (37 CFR 1.135(c)).

Examiner to Check for Accuracy

An applicant or his attorney or agent may request that the examiner check to determine that a particular statement or statement attributed to him or his attorney or agent is correct. If the examiner fails to do so, the applicant or his attorney or agent may send a letter setting forth his or her version of the statement attributed to him. If the record is incomplete and inaccurate, the examiner will file the original "Interview record OK" on the day of recordation, and attach the record of the interview along with the date and the examiner's initials.